



Memorandum # 33/2003

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission
Five Middlesex Avenue, Third Floor, Somerville, MA 02145
Ph 617 666 4446 | Fax 617 628 4002 | TTY 617 591 8917 | www.mass.gov/perac
Robert E. Tierney, *Chairman* | A. Joseph DeNucci, *Vice Chairman*
C. Christopher Alberti | Kenneth J. Donnelly | Eric A. Kriss | James M. Machado | Donald R. Marquis
Joseph E. Connarton, *Executive Director*

MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Update on Repeal of G.L. c. 32, § 5(1)(e) – Spousal retirement provision

DATE: October 7, 2003

The Division of Administrative Law Appeals (DALA) has ruled in a case involving G.L. c. 32, § 5(1)(e) that a member who applied to retire after July 1, 2003 may take advantage of the spousal retirement provision. The Contributory Retirement Appeal Board, however, has decided to review the DALA decision. As a result, the DALA decision is not a final decision and has no legal effect.

All retirement boards shall prohibit a member from utilizing §5(1)(e) unless they applied for retirement prior to July 1, 2003. See PERAC Memorandum #27/2003 for more information. The Commission will advise retirement boards when a final decision has been issued.

We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.